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PART III—Section I

NOTIFICATIONS BY GOVERNMENT

CHIEF SECRETARIAT

Bangalore Dated 9th—10th January 1946.

No. W 1240. The following Resolution of the Government of India setting up Pensions Appeal Tribunals published in the *Gazette of India* (Extraordinary) dated the 19th November 1945 is republished for general information.

By Order,

5076 V. VEDAVYASACHARYA,
Chief Secy. to Govt.

WAR DEPARTMENT

New Delhi, the 19th November 1945

WAR PENSIONS

Preamble

A Resolution to provide for the bringing of appeals against the rejection on certain grounds of claims to pension in respect of disablement or death arising out of the war and against certain other decisions affecting awards in respect of such claims, and for purposes connected with the matters aforesaid.

RESOLUTION

No. 1770.—The Government of India have, by this Resolution, decided to establish Pensions Appeal Tribunals the general administration of which will be under the Government of India in the Legislative Department, and to provide for he bringing of appeals before such Tribunals, against the rejection on certain grounds of claims to pension in respect of disablement or death arising out of the present war and against certain other decisions of the Government of India affecting awards in respect of such claims. The establishment and constitution of such Tribunals, the grounds upon and decision against which appeals may be instituted, the procedure for the hearing and determination of such appeals, and all ancilliary matters relating thereto and the persons by whom and the conditions upon which such appeals may be instituted, will be governed by the Rules set out in the Appendix hereto.

ORDERED that a copy of this Resolution be communicated to all Provincial Governments and Administrations, all Departments of the Government of India and the Political Department, Naval Headquarters, all Branches of General Headquarters, Air Headquarters, and the Financial Adviser, War and Supply.

ORDERED also that the Resolution be published in the *Gazette of India* for general information.

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PART I.—DECISIONS AGAINST WHICH APPEALS MAY BE BROUGHT.

1. *Appeals against Rejection of War Pension Claims.*—(a) Where any claim for pension in respect of the disablement of any person to whom these rules apply is rejected by the Government of India on the ground that the injury on which the claim is based—

(i) is not attributable to war service,

(ii) and does not fulfil the following conditions, namely, that it existed before or arose during war service and has been and remains aggravated thereby

the Government of India will serve or cause to be served on the claimant a notice informing him of the rejection of his claim and the said notice will make a clear statement of the condition or conditions which, in the opinion of the Government of India, have not been fulfilled and thereupon an appeal will lie to a Pensions Appeal Tribunal constituted under these rules (hereinafter referred to as "the Tribunal") on the issue whether the claim was rightly rejected.

(b) Where any claim for pension in respect of the death of any person to whom these rules apply is rejected by the Government of India on the ground that neither of the following conditions is fulfilled, namely,

(i) that the death of that person was due to or hastened by an injury which was attributable to war service, and

(ii) that the death was due to or hastened by the aggravation by war service of an injury which existed before or arose during the war service,

the Government of India will serve or cause to be served on the claimant a notice informing him of the rejection of his claim, and the said notice will make a clear statement of the condition or conditions which in the opinion of the Government of India have not been fulfilled and thereupon an appeal will lie to the Tribunal on the issue whether the claim was rightly rejected.

(c) Where for the purposes of any such claim as aforesaid, the injury on which the claim is based is accepted by the Government of India as attributable to or aggravated by service in a piece service area, the Government of India will notify the claimant of the decision and thereupon an appeal will lie to the Tribunal on the issue whether the injury was attributable to or aggravated by such service or by war service in a field service area.

2. *Appeals where Award is reduced, withheld, etc.*—(a) Where in the case of any such claim in respect of the disablement or death of any person, the Government of India

(i) withhold or reduce the award on the ground that the injury on which the claim was based was caused or contributed to by the serious negligence or misconduct of the said person or, as the case may be, that his death was so caused or contributed to, or

(ii) decide that the claimant is ineligible for pension for the reason either that such person was invalided in consequence of malingering or that the disability or death on which the claim is based resulted from an indulgence in drugs or drink, or

(iii) decide that all claim to an award is forfeited by reason of the fact that the disablement was aggravated by such person or that he retarded his cure, or

(iv) decide by reason of such person's unreasonable refusal to undergo medical treatment or operation either (a) that no penson is admissible or (b) to award a pension appropriate to the lower percentage of disability to which, in the opinion of the Government of India, the disability would have been reduced if such person had not unreasonably refused to undergo medical or operative treatment, or (c) to reduce the award in respect of such disablement as the case may be,

the Government of India will notify or cause to be notified to the claimant such decision and ground upon which it is made and thereupon an appeal will lie to the Tribunal on the issue whether the award was rightly withheld or reduced, or whether the claimant is ineligible, or whether the award is forfeited or whether the claimant's refusal to undergo medical treatment or operation was unreasonable, as the case may be.

(b) Where an appeal is brought under these rules on any of the issues specified in rule I and the Government of India notify the appellant before the hearing of the appeal that if the appeal is allowed the Government of India intend, on such of the grounds specified in the last preceding sub-rule as may be appropriate, to reduce or withhold the award or to decide that the claimant is ineligible or the award is forfeited or inadmissible, the Tribunal will, if they allow the appeal, determine the issue specified in the last preceding sub-rule as is appropriate to the intention so expressed by the Government of India in accordance with this sub-rule, and unless the Government of India notify the appellant as aforesaid, the Government of India will not, if the appeal is allowed, withhold or reduce the award or decide that the claimant is ineligible, or the award is forfeited or inadmissible, as the case may be.

3. *Appeals against Assessment of Degree of Disablement.*—(a) Where in the case of any such claim as is referred to in rule I above, in respect of the disablement of any person, the Government of India make an interim assessment of the degree of the disablement, they will notify the claimant thereof and if, at the expiration of two years from the time when they first notified such an interim assessment, they have not made such a final decision or assessment as is referred to in next following sub-rule, an appeal will lie to the Tribunal from the interim assessment in force at the expiration of the said period of two years and from any subsequent interim assessment and the Tribunal on any such appeal may uphold the Government of India's assessment or may assess the disablement at such higher or lower degree as they think proper.

In this sub-rule the expression "interim assessment" means any assessment other than such a final assessment as is referred to in the next following sub-rule.

(b) Where, in the case of any such claim as is referred to in rule I, it appears to the Government of India that the circumstances of the case permit a final settlement of the question to what extent, if any, the said person is disabled and accordingly—

(i) they decide that there is no disablement or that the disablement has come to an end, or

(ii) they make a final assessment of the degree or nature of the disablement,—

the claimant will be notified of the decision or assessment stating that it is a final one and thereupon an appeal will lie to the Tribunal on the following issues, namely,—

(a) whether the circumstances of the case permit a final settlement of the question aforesaid;

(b) whether the decision of the Government of India referred to in sub-rule (a) hereof or, as the case may be, the final assessment of the degree or nature of the disablement, was right;

and the Tribunal on any such appeal may set aside the said decision or assessment on the ground that the circumstances of the case do not permit of such a final settlement or may uphold that decision or assessment or may make any final assessment of the degree or nature or the disablement as they think proper, which may be either higher or lower than the assessment of the Government of India, if any.

(c) The provisions of this rule will not come into operation until such date as may be appointed by the Government of India and different dates may be appointed for sub-rule (a) and sub-rule (b) hereof respectively and for different classes of cases to which those respective sub-rules apply.

4. *Grounds on which Appeal to Central Appeal Tribunal lies.*—(a) Where in the case of an appeal to the Tribunal under rules 1, 2 or 3, the appellant is, or the Government of India are dissatisfied with the decision of the Tribunal as being erroneous in point of interpretation, the appellant or the Government of India may, with the leave of the Tribunal, or of the Central Appeal Tribunal appeal to the Central Appeal Tribunal to be constituted under these Rules and the decision of the Central Appeal Tribunal shall be final and conclusive and binding on the Government of India and on all Tribunals.

(b) Subject to the provisions of the last foregoing sub-rule, the decision of a Tribunal on any issue on which an appeal is brought under this Resolution shall be final and conclusive.

5. Nothing in these Rules shall confer on any person power to appeal against a decision affecting

(i) the eligibility of such or any other person to a disability or family pension, or

(ii) the dependancy of such person upon any person to whom these rules apply.

PART II.—ESTABLISHMENT AND CONSTITUTION OF TRIBUNALS AND OF CENTRAL APPEAL TRIBUNAL.

6. *Constitution of Tribunals.*—(a) Such number of Pensions Appeal Tribunals will be constituted as the Government of India may from time to time determine and the Tribunals shall sit at such times and in such places as the Government of India may from time to time determine.

(b) The members of the Tribunals will be appointed by the Government of India in the Legislative Department and there will be paid to them such remuneration as the Government of India may determine and the Government of India may, if they think fit, remove any member of such Tribunal.

(c) (i) The number of members of the Tribunal to hear any particular appeal will be three and will consist of :—

(a) a person who is qualified under sub-section (3) of Section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court (hereinafter called " the legal member ") ;

(b) a duly qualified medical practitioner of not less than seven years' standing ; and

(c) a person who satisfies the condition specified in clause (ii) below ;

but in the case of an appeal under rule 3 above, will consist of two duly qualified medical practitioners of not less than seven years' standing and a person who satisfies the conditions specified in clause (ii) below ; and in cases where there is a legal member, he will be the Chairman of the Tribunal, and in other cases the Chairman will be such one of the duly qualified medical practitioners of not less than seven years' standing as may be appointed to be Chairman by the Legislative Department of the Government of India.

(ii) The conditions referred to in the last foregoing sub-rule are that the member shall be (a) of the same sex and (b) a serving or demobilised or retired member of the same force as the person in respect of whose disablement or death the claim to which the appeal relates was made.

7. *Constitution of Central Appeal Tribunal.*—(a) A Central Appeal Tribunal will be constituted and it will sit at such times and at such places as it may from time to time determine.

(b) The Central Appeal Tribunal will consist of one member who will be a retired Judge of a High Court in India and will be appointed by the Government of India, in the Legislative Department. He will hold office for such time and there will be paid to him such remuneration as the Government of India may determine and they may, if they think fit, remove him from such appointment.

8. *Provisions Binding on Tribunals.*—In determining an appeal under these rules in respect of any claim or award, the Tribunals, and the Central Appeal Tribunal, will be bound by the terms of the Royal Warrant, Order in Council, Order of His Majesty, Regulation, Rule, Instruction or scheme under which the claim, award or decision purports to be made, being terms relating to the issue before the Tribunal.

PART III.—PROCEDURE FOR THE FILING, HEARING AND DETERMINATION OF APPEALS TO TRIBUNALS.

9. *Time Limit for Appeals.*—(a) No appeal (except an appeal to the Central Appeal Tribunal) may be brought under any of these rules except rule 3 (a), unless notice of that appeal is given, in such a manner as is prescribed in these rules or may hereafter be prescribed by order of the Government of India, not later than twelve months after—

(i) in the case of a decision from which an appeal lies to the Tribunal under rule 1 or rule 2, being a decision made before the 1st day of December 1945, that date ;

(ii) in the case of a decision or assessment against which an appeal lies to he Tribunal under rule 3, being a decision or assessment made before the said Rule comes into operation, in relation to that decision or assessment, such date as may be appointed by order of the Government of India ;

(iii) in any other case, the date on which the decision or assessment is notified to the claimant ;

Provided that the Government of India in the Legislative Department may allow an appeal to be brought after the expiration of the period limited by this rule, if they consider that there was a reasonable excuse for the delay.

(b) The Government of India may, for the purpose of sub-rule (a) (ii) of this rule, appoint different dates for different classes of cases.

(c) No appeal may be brought under rule 3 (a) unless notice of that appeal is given in such manner as may be prescribed by order of the Government of India not later than three months after :—

(i) the date on which the period of two years referred to in the said rule 3 (a) expires, or

(ii) the date on which the said rule 3 (a) comes into operation in relation to the assessment from which the appeal is brought, or

(iii) the date on which the said assessment is notified,

whichever is the latest of those dates :

Provided that the Government of India, in the Legislative Department, may allow the appeal to be brought after the expiration of the period limited by this rule, if they consider there was a reasonable excuse for the delay.

(d) Notice of appeal under these rules will be accepted from the 1st of December 1945.

10. *Persons by whom appeals may be brought.*—(a) An appeal shall be brought by the person to whom these Rules extend and in respect of whose claim the Government of India have given the decision against which an appeal lies :

Provided that where that person is under the age of sixteen, or is prevented by mental or physical infirmity from acting on his own behalf, the appeal may be brought by some other person acting for him :

Provided further, that if in respect of the death or disablement of any person to whom these rules apply an appeal has been filed then—

(i) where the appeal is heard and determined the decision will be binding on all persons claiming or entitled to appeal in respect of such death or disablement and no further appeal by any other person in respect of the same death or disablement will be admitted ; or

(ii) where the appeal is placed on the deferred list in accordance with rule 29 no further appeal by any other person in respect of the same death or disablement will be admitted but such appeal may be proceeded with as provided in rule 29 and the decision thereon will be binding on all persons claiming or entitled to appeal in respect of such death or disablement.

(b) Where an appeal is brought by a person acting on behalf of another in accordance with the last preceding sub-rule, that person may take all such steps and do all such things for the purposes of the appeal as an appellant is by these rules required or authorised to take or do.

11. *Method of Appealing.*—An appeal to a Tribunal will be commenced by a notice of appeal given to the Government of India in the War Department either in form I or form II of the forms set out in the first schedule hereto, whichever is appropriate ; provided that a notice of appeal will be accepted in any other form provided it is signed by or bears the thumb print of the appellant or, in the case of a person under the age of sixteen or prevented by mental or physical infirmity from acting on his behalf, the person acting on his behalf and is dated and sent by post addressed to the Secretary to the Government of India, War Department (Pensions Branch), Simla (hereinafter referred to as " the Secretary, War Department ").

12. *Statement of case and answer.*—(a) Subject to the provision of rule 13 and rule 16, the Secretary, War Department, will, on receipt by him of a notice of appeal, prepare a document (to be called a " Statement of Case ") setting forth—

(i) the relevant facts relating to the appellant's case as known to the Secretary, War Department, including the medical history of the appellant ; and

(ii) the reasons of the Government of India for making he decision against which the appeal is brought.

(b) When the Statement of Case has been prepared, the Secretary, War Department, will send two copies to the appellant and will inform him that he may, if he so desires, submit (on a form to be supplied by the Secretary, War Department) an answer to the Statement indicating—

(i) whether, and in what respect, the facts in the Statement of Case are disputed ;

(ii) any further facts which, in his opinion, are relevant to the appeal ; and

(iii) his reasons for thinking that the decision of the Government of India was wrong.

(c) Where the appellant submits an answer disputing any of the facts in the Statement of Case or putting forward further

facts, he shall attach to his answer such documentary evidence in support of his case as is in his possession or as he can reasonably obtain.

(*d*) Except where the appellant is resident outside India he shall send his answer and any documents submitted therewith, to the Secretary, War Department, within FORTY days from the date on which the Statement of Case was sent to him.

(*e*) The Secretary, War Department, if he so desires, may comment in writing on the appellant's answer and, if he does so, he will send a copy of his comments to the appellant.

(*f*) As soon as may be after the receipt of the answer or, if the appellant does not send an answer, on the expiration of the said FORTY days (or, where the appellant is resident as aforesaid, at the expiration of such time as may be allowed by the President), the Secretary, War Department, will, subject to the provisions of rule 16, send to the Pensions Appeal Office—

(i) three copies of the Statement of Case;
(ii) three copies of the appellant's answer (if any);
(iii) any documents submitted by the appellant; and
(iv) three copies of any comments made by the Government of India on the appellant's answer.

13. *Disclosure of Official Documents and information.*—(*a*) Where for the purposes of his appeal an appellant desires to have disclosed any document, or part of any document, which he has reason to believe is in the possession of the Government of India, he may, at any time not later than six weeks after the Statement of Case was sent to him, apply to the President for the disclosure of the document or part, and if the President considers that the document or part is likely to be relevant to any issue to be determined on appeal, he may give a direction to the Department concerned requiring its disclosure (if in the possession of the Department) in such manner and upon such terms and conditions as the President may think fit; provided that directions given under this rule shall not require the disclosure of—

(i) documents in the nature of Departmental minutes or reports; or

(ii) the name of any person in the service of His Majesty who has given a report or medical certificate relating to the appellant or to the person in respect of whose death the appeal is brought.

For the purposes of this rule, a certificate given by an officer of the Government Department concerned not below the rank of Deputy Secretary or an officer duly authorised by the Head of the Department concerned that a document or name is such a document or name as is described in sub-rule (*a*) (i) or (*a*) (ii) of this rule shall be final and conclusive.

(*b*) On receipt of a direction given by the President under this rule, the Secretary of the Government Department concerned or any officer being an officer authorised to give a certificate under sub-rule (a) of this rule, may certify to the President—

(i) that it would be contrary to the public interest for the whole or part of the document to which the direction relates to be disclosed publicly; or

(ii) that the whole or part of the document ought not, for reasons of security, to be disclosed in any manner whatsoever;

and where a certificate is given under clause (if above, the President will give such directions to the Tribunal as may be requisite for prohibiting or restricting the disclosure in public of the document or the part thereof, as the case may and where a certificate is given under clause (ii) above the President will direct the Tribunal to consider whether the appellant's case will be prejudiced if the appeal proceeds without such disclosure and, where the Tribunal are of opinion that the appellant who would be prejudiced if the appeal were to proceed without such disclosure, they will adjourn the hearing of the appeal until such time as the necessity for non-disclosure on the ground of security no longer exists.

(*c*) At the hearing, the appellant may apply to the Tribunal for the disclosure of such document as is mentioned in this rule and, where it appears to the Tribunal that the document is likely to be relevant to any issue to be determined on the appeal, and that the appellant has reasonable excuse for having failed to make an application for disclosure to the President before the hearing under sub-rule (*a*) of this rule, the Tribunal may, unless the document is produced by the representative of the Department concerned, adjourn the case for an application to the President to be made by the appellant.

(*d*) It shall be a sufficient compliance with a direction for the disclosure of a document, or part of a document, under this rule if there is produced a photostatic copy of the document or the part thereof certified as a true copy by an officer authorised under the terms of sub-rule (*a*) of this rule to give a certificate under that sub-rule.

14. *List of cases for hearing.*—The Pensions Appeal Office on receipt in that office of the documents mentioned in rule 12 (f), will determine the Tribunal which is to consider the appeal and will send to that Tribunal the same documents and the Tribunal will prepare a list of cases for hearing and will enter in that list all cases submitted to it for hearing.

15. *Date for hearing.*—(*a*) Not less than 40 clear days before the date fixed for the hearing, a notice of hearing in Form III of the forms set out in the first Schedule to these Rules, or in a form to the like effect, will be sent from the Tribunal which is to consider the appeal or the Pensions Appeal Office, and the Secretary, War Department, will be informed of the date so fixed.

(*b*) If, at any time before the date fixed for the hearing, the appellant becomes aware of any circumstances which will prevent him from attending the Tribunal on the date so fixed, he shall (unless the Appeal is to be heard in his absence under rule 26) immediately notify the Chairman of his inability to appear, stating the reasons therefor.

16. *Withdrawal of appeal.*—(*a*) An appellant may at any time before the hearing give notice to the Chairman, or if he has not been informed of the Tribunal by which his appeal is to be considered, to the Pensions Appeal Office, that he desires to withdraw his appeal, and thereupon the appeal will be struck out.

(*b*) Where after a notice of appeal has been given, the issue arising on the appeal is decided by the Government of India in favour of the appellant, the Secretary, War Department will give notice of the decision to the Pensions Appeal Office and to the appellant and also to the Chairman, if notice of hearing has been issued in accordance with Rule 15 hereof, and the appeal will be struck out.

17. *Appeal not prosecuted.*—Subject to the provisions of rule 26, if the appellant fails to appear at any hearing of the appeal, the Chairman will—

(*a*) if the appellant either before or within six weeks after the date fixed for the hearing satisfies the Chairman that he had sufficient reasons for his failure to appear, fix a new date for the hearing and will intimate the same to the appellant and the Secretary, War Department; or

(*b*) if the appellant does not either before or within six weeks after the date fixed for the hearing, satisfy the Chairman that he had sufficent reasons for his failure to appear direct that the case be returned to the Pensions Appeal Office to be placed in the Deferred List.

18. *Representation of the appellant and the Secretary, War Department.*—(*a*) An appellant may conduct his case himself or may be represented by any person whom he may appoint for the purpose.

(*b*) The Secretary, War Department, may be represented by any person whom he may appoint for the purpose.

(*c*) It will be the duty of the Tribunal to assist any appellant who appears to them to be unable to make the best of his case.

19. *Evidence.*—(*a*) The appellant may give evidence in support of his appeal and the appellant and the Secretary, War Department may, subject to the provisions of the next following sub-rule, call a doctor or any other witness, and may produce at the hearing any further documentary evidence not already in the possession of the Tribunal.

(*b*) Where the appellant, or the Secretary, War Department, intends to call a doctor as a witness at the hearing, he shall, unless he has already notified the Chairman of his intention to call the witness, send notice of his intention to the said Chairman not less than twenty-eight days before the date fixed for the hearing, and the Chairman will notify the Secretary, War Department, or as the case may be, the appellant, who will then be entitled to call a doctor at the hearing without giving notice.

(*c*) The Tribunal may require the appellant to furnish such evidence of his identity as they may think fit and, where the appeal is brought by a person acting on behalf of the appellant, the Tribunal may require him to satisfy them as to his qualifications for so acting.

(*d*) The Tribunal may summon before it expert or other witnesses.

(*e*) The Tribunal will not refuse evidence tendered to them on the ground only that such evidence would be inadmissible in a Court of Law.

(*f*) Subject to any direction given by the President under rule 13 or by the Chairman under rule 22, every document tendered in evidence or considered by the Tribunal for the purposes of the appeal will be made available to the appellant or his representative (if any) and to the Secretary, War

Department or his representative in such manner as the Tribunal may direct.

20. *Procedure at hearing.*—(*a*) At the hearing, the Tribunal will give an opportunity to the appellant or his representative to address the Tribunal and call witnesses and, if the appellant is not represented, the examination of the appellant's witnesses may, if the appellant so desires, be conducted by the Chairman on behalf of the appellant. The representative of the Secretary, War Department, may put questions to any witness called by or on behalf of the appellant.

(*b*) The Tribunal will give the representative of the Secretary, War Department, an opportunity to address the Tribunal and call witnesses. The appellant or his representative may put questions to any witness called by or on behalf of the Secretary, War Department.

21. *Further consideration.*—(*a*) Where during the hearing of an appeal it appears to the Tribunal that it is necessary to obtain further information on any point, or that the appellant or the Secretary, War Department, should be allowed or required to procure or produce further evidence, the appeal will be adjourned for such further information to be obtained in such manner as the Tribunal may direct or for the appellant, or the Secretary, War Department, to procure or produce such further evidence.

(*b*) Where the Tribunal adjourns the hearing for further information to be obtained, the information, if and when obtained, will, subject to any direction given by the President under rule 13, be communicated to the appellant and to the Secretary, War Department, together with a statement that the appellant or the Secretary, War Department, may comment thereon in writing if he so desires, or may address the Tribunal thereon at a further hearing of the case.

(*c*) Where the hearing is adjourned for the appellant or the Secretary, War Department, to procure or produce further written evidence, the evidence will subject to any direction given by the President under rule 13, be communicated to the Tribunal together with a statement indicating whether or not the appellant or the Secretary, War Department, wishes to address the Tribunal on the evidence at a further hearing of the case, and a copy of the evidence will be sent by the Tribunal to the Secretary, War Department, or, as the case may be, to the appellant, together with a statement that the Secretary, War Department, or, as the case may be, the appellant may comment thereon in writing if he so desires, or may address the Tribunal thereon at a further hearing of the case.

(*d*) Where the appellant, or the Secretary, War Department, informs the Tribunal of his desire to address the Tribunal on the further information or on further written evidence a notice of hearing will be sent to the appellant and to the Secretary, War Department, not less than 21 days before the date fixed for the case to be further heard.

(*e*) Where neither the appellant nor the Secretary, War Department, wishes to address the Tribunal on the further information or further written evidence, the Tribunal may give their decision without a further hearing of the case after taking into consideration any comments in writing made by the Appellant or the Secretary, War Department, on the further information or evidence.

(*f*) Where the hearing is adjourned for the appellant or the Secretary, War Department, to procure or produce further oral evidence a notice of hearing will be sent to the appellant and to the Secretary, War Department, not less than 21 days before the date fixed for the case to be further heard if a date for the further hearing was not fixed at the adjournment or the date then fixed has to be altered.

(*g*) Where the appellant fails to procure or produce further evidence which he has been required by the Tribunal to procure or produce, and the Tribunal is satisfied that the failure was due to the wilful default of the appellant, the case will be returned to the Pensions Appeal Office and be placed in the Deferred List.

22. *Power of Tribunal to take Expert Advice.*—(*a*) Where in the case of any appeal the Tribunal is of opinion that a difficult medical or other technical question arises, the Tribunal may, before giving their decision, take the opinion of a medical specialist or other techical expert in such manner as may appear to them to be convenient.

(*b*) Where the question is a medical question, the Tribunal may arrange for the appellant to be examined by a medical specialist for a report on his condition.

(*c*) The Tribunal will direct the specialist or other technical expert to send his opinion or report to the Tribunal and copies thereof will be sent by the Tribunal to the appellant and to the Secretary, War Department, together with a statement that the appellant, or the Secretary, War Department, may comment thereon in writing, if he so desires, or may address the Tribunal thereon at a further hearing of the case;

Provided that where it appears to the Chairman that it would not be in the best interests of the appellant for the opinion or report of a medical specialist to be communicated to him, the Tribunal may direct that, instead of being sent to appellant, the opinion or report shall be sent to the appellant's medical adviser (if known to the Tribunal) and, if the appellant was represented at the hearing, to his representative.

(*d*) Where the appellant or the Secretary, War Department, notifies the Tribunal of his desire to address the Tribunal on the opinion or report, a notice of hearing will be sent to the appellant and the Secretary, War Department, not less than 21 days before the date fixed for the case to be further heard.

(*e*) Where neither the appellant nor the Secretary, War Department, desires to address the Tribunal further, the Tribunal may give their decision without a further hearing of the case after taking into consideration any comments in writing made by the appellant or by the Secretary, War Department, on the opinion or report.

23. *Medical Examination of Appellant.*—In a case where the appellant is present in person at the hearing and is the person in respect of whose disablement the appeal is brought, the medical member of the Tribunal may, with the assent of the appellant, make a medical examination of the appellant.

24. *Decision of the Tribunal.*—The decision of the Tribunal may at the discretion of the Tribunal, be announced immediately after the hearing of the case (and will subsequently be reduced into writing) or may be communicated in writing to the appellant and the Secretary, War Department, within seven days after the Tribunal have reached their decision, and in either case the Chairman will indicate shortly the Tribunal's reasons for giving their decision.

25. *Recording and proof of decisions.*—(*a*) The Registrar will enter, in a book to be kept by him for the purpose, a Minute of every decision of the Tribunal.

(*b*) The Chairman will sign a document (to be called a "Form of Decision") recording the decision of the appeal and it will be the duty of the Registrar to transmit the Form of Decision to the Pension Appeal Office.

(*c*) Copies of the Form of Decision will be prepared in the Pensions Appeal office, and will be certified under the hand of an officer authorised in that behalf by the President, and a copy so certified will be sent to the appellant and to the Secretary, War Department.

(*d*) A copy of a Form of Decision purporting to have been certified as aforesaid will be conclusive evidence of the decision of the Tribunal on the appeal to which that Form of Decision relates.

26. *Appeal in absence of Appellant.*—Subject to any arrangements made by the President under rule 27, and the provisions of rule 28, an appeal will not be heard in the absence of the appellant unless he has sent to the Tribunal not later than 14 days before the date fixed for the hearing a request that his appeal should be heard in his absence:

Provided that, notwithstanding that such a request has been made, the Tribunal may, if they think that the presence of the appellant is necessary for the due determination of the appeal, give directions that the appeal shall not be heard in his absence.

27. *Provision for appellant unable to attend Tribunal through physical or mental infirmity.*—Where the President is satisfied that any appellant is unable, through physical or mental infirmity, to attend the Tribunal and that his incapacity is likely to continue for a prolonged period, the President may make such arrangements as may appear to him best suited, in all circumstances of the case for disposing fairly of the appeal, and in particular may arrange—

(*a*) for the appellant to be visited at some convenient place by one or more members of the Tribunal, or by other persons appointed in that behalf by the President, for the purpose of recording the appellant's evidence and any statement which he may wish to make, and for the appellant to be medically examined;

(*b*) for taking, whether before the Tribunal or otherwise, the evidence of medical or other witnesses on behalf of the appellant and the Secretary, War Department, and in particular the evidence of the near relatives, guardian or other representative of the appellant;

(*c*) for enabling the appellant's representative and the Secretary, War Department, to comment whether at a hearing of the Tribunal or in writing, on the evidence so taken and to make a statement in writing or to address the Tribunal;

(*d*) for the determination of the appeal in the absence of the appellant; provided that any arrangement made under sub-rules (*a*) and (*b*) of this rule shall make provision for

enabling the representative of the Secretary, War Department, if he so desires, to be present while the evidence of the appellant and other witnesses is taken and to ask questions of the appellant and other witnesses.

28. *Appellant Resident Overseas.*—(*a*) Where an appellant is resident outside India his appeal will, subject to the provisions of this rule and of rule 17, be heard in his absence.

(*b*) As soon as the appellant's case is ready for hearing, he will be notified of that fact by the Pensions Appeal Office, and the appellant may, within such time as may be specified in the notification, give notice to the Pensions Appeal Office stating that he intends to visit India in the near future and requesting that his appeal should not be heard before a specified date, and the President, if satisfied that it would be reasonable for the hearing to be postponed; may direct that it shall not be heard before that date and may give such further directions for the hearing of the appeal as he thinks fit.

(*c*) The President may make arrangements for the appellant to be medically examined at some convenient place in the country in which he is resident, and, where such an arrangement is made, the appeal will not be proceeded with until a medical report on the examination has been received by the Pensions Appeal Office and a copy thereof has been sent to the representative (if any) of the appellant.

29. *Death of appellant before hearing.*—(*a*) Where the Pensions Appeal Office or the Tribunal is notified that an appellant has died before the appeal is decided, the case will be placed in the Deferred List.

(*b*) On application made to the President, under rule 30, by the eligible heir or dependant of the deceased appellant or by his legal representative, the President may give directions that the appeal shall proceed, so far as may be, as if the eligible heir, dependant or legal representative as the case may be, had brought the appeal on behalf of the appellant in the first instance and the appellant had not died, and that it shall be heard with any appeal brought by the widow or other member of the family being an eligible heir or dependant in respect of the appellant's death.

(*c*) Where an appeal proceeds under this rule at the instance of a widow or other member of the family, proof of identity of such person and that such person is an eligible heir or dependant will be required on a form to be issued by the Pensions Appeal Office.

30. *Deferred list cases.*—(*a*) Where a case is placed in the Deferred List, notice of that fact will be sent from the Pensions Appeal Office to the Secretary, War Department, and to the appellant, or, if the appellant is dead, the eligible heir, or dependant or respresentative.

(*b*) An appellant whose case has been placed in the Deferred List or, where the appellant is dead, eligible heir, dependant or legal representative of the appellant, may at any time within twelve months after notice of that fact has been given under the preceding sub-rule, apply to the President for an order that the case be restored to the List of Cases for Hearing.

(*c*) An order under the last foregoing sub-rule may be made unconditionally or subject to such terms and conditions as the President thinks just:

Provided that, where the case has been placed in the Deferred List pursuant to a direction given by the Tribunal under rule 17, the case will, on the application of the appellant, be restored unconditionally to the List of Cases for hearing unless the President is satisfied that the appellant's failure to appear at the hearing was due to his wilful default.

(*d*) Where no application to restore the case to the List of Cases for Hearing has been made within the time prescribed by sub-rule (*b*) of this rule, or where any such application has been made and has been refused by the President, the appeal will be struck out.

31. *Interlocatary application to the President for directions.*—(*a*) The appellant or the Secretary, War Department, may at any time apply to the President for directions on any matter arising in connection with appeal or with an application to the Tribunal for leave to appeal to the Central Appeal Tribunal.

(*b*) An application for directions shall state the matter on which the directions are required.

(*c*) The President will communicate the nature of the application to the Secretary, War Department, or, as the case may be, to the appellant, together with a statement that the Secretary, War Department, or the appellant may comment thereon in writing if he so desires, and before giving his direction the President will consider any comments furnished to him.

(*d*) Any directions given by the President under this rule will be communicated to the appellant and to the Secretary, War Department, and to the Tribunal if the appeal has been passed to the Tribunal for hearing.

(*e*) If an appellant fails to comply with a direction given to him by the President under this rule, the President may direct the case to be placed in the Deferred List.

32. *Sitting of the Tribunal.*—(*a*) Subject to the provision of this rule the sittings of the Tribunal will be held in Public.

(*b*) A sitting of the Tribunal will be held in Private to such extent as may be necessary to enable the Tribunal to comply with a direction given by the President under rule 13.

(*c*) Where a request is made to a Tribunal by or on behalf of the appellant that the appeal, or some part of it, should be heard in private, the Tribunal may, if they think that the presentation of the appellant's case will be prejudiced by a public sitting, sit in private to such extent as they think just.

33. *Evidence on oath.*—(*a*) English will be the language of the Tribunal.

(*b*) The evidence of each witness will be on oath and a memorandum of what each witness deposes will be taken down either by or under the direction of the Tribunal and when completed, will be read out, or if necessary interpreted to the witness, and thereafter signed by the Chairman.

34. *Irregularities.*—Non-compliance with any of these rules will not render the proceedings on the appeal void unless the Tribunal shall so direct, but the Tribunal may give such directions for the purposes of mitigating the consequences of the irregularity as the justice of the case may require.

PART IV.—APPEAL TO CENTRAL APPEAL TRIBUNAL—LEAVE TO APPEAL AND PROCEDURE.

35. *Appeal to Central Appeal Tribunal on point of interpretation.*—(*a*) Where the appellant or the Secretary, War Department, is dissatisfied with the decision of the Tribunal as being erroneous in point of interpretation, he may apply to the Tribunal, in the manner prescribed by this rule, for leave to appeal to the Central Appeal Tribunal.

(*b*) An application to the Tribunal for leave to appeal may be made:—

(i) at the hearing of the appeal, immediately after the decision of the Tribunal is announced; or

(ii) by notice in writing sent to the Pensions Appeal Office within three months of the communication to the appellant of the decisions of the Tribunal; and in making his application the applicant shall state in writing the point of interpretation in respect of which he claims that the decision of the Tribunal is erroneous and on which he wishes to appeal, which application if handed in at the hearing of the Tribunal will be forwarded by the Registrar to the Pensions Appeal Office.

(*c*) On receipt of an application in writing to a Tribunal for leave to appeal, a copy thereof will be sent from the Pensions Appeal Office to the Secretary, War Department, or as the case may be, the appellant, and a notice will be sent to the appellant and to the Secretary, War Department, stating that the application will, unless the Secretary, War Department, or the appellant desires to address the Tribunal thereon, be heard and determined by the Tribunal without hearing, and unless within twenty-eight days of the sending to him of the notice the Secretary, War Department, or the appellant notifies the Pensions Appeal Office that he desires to address the Tribunal, the application may be so heard and determined.

(*d*) When the Secretary, War Department, or the appellant notifies the Pensions Appeal Office that he desires to address the Tribunal, the application will be sent to the Tribunal, who will send a notice of hearing to the appellant and to the Secretary, War Department, not less than twenty-one days before the date fixed for the hearing of the application.

(*e*) At the hearing of an appeal, or of an application for leave to appeal to the Central Appeal Tribunal, the Chairman will at the request of the appellant or the Secretary, War Department, take a notice—

(i) of any question of interpretation raised at the hearing;

(ii) of the facts in evidence in relation thereto; and

(iii) of the decision of the Tribunal thereon.

and when such note has been taken, the Chairman will (whether an application for leave to appeal is made or not) on the application of the appellant or the Secretary, War Department, furnish him with a copy of the note, and will sign the copy.

36. *Procedure relating to application to Central Appeal Tribunal for leave to appeal.*—(*a*) An application may be made to the Central Appeal Tribunal for leave to appeal in respect of the matters referred to in rule 4 and such application shall be made within 28 days of the date on which the decision of the Tribunal was given or, as the case may be,

leave to appeal was granted by the Tribunal and may be made exparte.

(*b*) The application will be instituted by filing in the Pensions Appeal Office a statement in writing setting forth.

(i) the name and description of the applicant,

(ii) the point of interpretation in respect of which the application alleges that the decision of the Tribunal was erroneous,

(iii) whether or not the applicant has applied to the Tribunal for leave to appeal,

(*c*) If the application is made with the consent of the other party to the proceedings before the Tribunal, that fact may be included in the statement.

(*d*) Where an application for leave has been made to the Tribunal and has been refused, and the applicant subsequently applies for leave to the Central Appeal Tribunal, the Chairman of the Tribunal may, and will if so required by the Central Appeal Tribunal, furnish to the Central Appeal Tribunal, through the Pensions Appeal Office, a statement in writing of the reasons for the decision of the Tribunal refusing leave to appeal and where a statement is so furnished, a copy thereof will be sent to the applicant.

(*e*) The Central Appeal Tribunal may determine the application on the documents without a hearing or may direct the application to be set down for hearing.

(*f*) When the application is directed to be set down for hearing, a notice of hearing will be sent by the Pensions Appeal Office to the applicant and where the application is determined without a hearing, a copy of the order will be sent by the Pensions Appeal Office to the applicant and to the other party to the proceedings before the Tribunal.

37. *Appeals to Central Appeal Tribunal Procedure and hearing.*—(*a*) An appeal to the Central Appeal Tribunal against a decision of a Tribunal as being erroneous in point of interpretation will be instituted by a Statement of Appeal to be filed in the Pensions Appeal Office within 28 days of the day on which leave to appeal has been granted by the Central Appeal Tribunal or by the Tribunal.

(*b*) The statement of appeal will state the question of interpretation on which it is desired to appeal, the grounds of appeal and the date on which leave to appeal was granted, and whether such leave was granted by the Central Appeal Tribunal or by the Tribunal.

(*c*) Notice of the date of the hearing of the appeal and copies of the Statement of Appeal will be sent by the Pensions Appeal Office to the other party to the proceedings before the Tribunal, and to the Chairman of the Tribunal against the decision of which the appeal is brought, at least 6 weeks before the time fixed for the hearing of the appeal.

(*d*) The Chairman of the Tribunal will within 28 days of receipt of the statement of appeal or such further time as may be allowed by the Central Appeal Tribunal, state a case setting forth the facts on which the decision appealed against was based and will send such statement of case in triplicate to the Pensions Appeal Office. The Pensions Appeal Office will on receipt of the statement of case from the Chairman, in any event not later than 14 days before the date fixed for the hearing of the appeal, send copies thereof to the appellant, the respondent, and the Central Appeal Tribunal.

(*e*) Any party to the appeal to the Central Appeal Tribunal may, at any time with notice to the other parties to the appeal served through the Pensions Appeal Office, apply to the Central Appeal Tribunal for an order or direction on any matter or procedure. The Pensions Appeal Office will cause to be served on all other parties a copy of such notice and the date of hearing, if any, fixed by the Central Appeal Tribunal for the purpose of determining any matter arising on such notice. Any order or direction on such notice will be notified by registered post by the Pensions Appeal Office to the appellant and the respondent, and to the Chairman of the Tribunal if affected thereby.

(*f*) At the hearing of the appeal the Central Appeal Tribunal will have power, if it thinks fit, to order the case to be sent back to the Chairman of the Tribunal for amendment.

(*g*) The decision of the Central Appeal Tribunal will be embodied in an order and a copy of the order will be sent by the Pensions Appeal Office to the Chairman of the Tribunal and to the appellant and the respondent.

(*h*) No order will be made by the Central Appeal Tribunal directing the payment by one party to the other party of the costs of any proceedings before the Central Appeal Tribunal.

38. *Application of Rules of Part II to Proceedings before Central Appeal Tribunal.*—(*a*) No witness will be allowed to give evidence before the Central Appeal Tribunal on behalf of any parties to the appeal.

(*b*) The provisions of rules, 16, 17, 18, 19, 28, 29 and 33 will *mutatis mutandis* and subject to the rule 28 (a) apply to all proceedings before the Central Appeal Tribunal.

PART V.—EXPENSES OF AND ALLOWANCES TO APPELLANTS, WITNESSES, ETC.

39. *Expenses of Appellant and Witnesses.*—(*a*) There may be allowed :—

(i) to an appellant who attends the hearing ;

(ii) to a relative, guardian or other representative attending the hearing on behalf of an appellant by virtue of arrangements made by the President under Rule 27.

(iii) to a person who accompanies an appellant at the hearing where the President or the Tribunal certifies that it is necessary for the appellant, by reason of health or social custom to be accompanied by an attendant ;

(iv) to an appellant who is examined by a medical specialist pursuant to arrangements made by the Tribunal under rule 22 (b) ; and

(v) to witnesses (except medical witnesses) appearing before the Tribunal at the instance of either party to the appeal,

travelling expenses for the purpose of attending the Tribunal or of undergoing the medical examination as the case may be and an allowance in respect of subsistence, in accordance with the rules applicable to witnesses of that category in Civil Suits framed by the High Court having jurisdiction in the place where the Tribunal is sitting.

Provided that appellants who are ex-service persons or their eligible heirs or dependants in the case of claims arising out of the death of such persons will be entitled to payment of travelling and subsistence allowance in accordance with the status of such persons at the time they were invalided or discharged or retired from service ; or at the time of death if that occurred while the persons were in service :

Provided further that the Chairman may disallow any of the above expenses in any case where he considers the appeal to be frivolous.

(*b*) (i) Medical witnesses who are in the service of the Central Government will not be allowed fees for any medical examination conducted or professional opinion given by them.

(ii) Medical witnesses who are in the service of a Provincial Government will be paid fees and expenses according to the scale laid down by that Government and non-official medical witnesses will be paid according to the scale prescribed by the rule of the High Court having jurisdiction in the place where the Tribunal is sitting.

(*c*) Where an appellant brings a medical witness to the hearing, or, for the purposes of the appeal has obtained from a medical adviser, or from a hospital, nursing home or other institution in which he has received treatment, a report, certificate or other document and the Chairman of the Tribunal or the President certifies that the attendance of the medical witness, or the production of the report, certificate or other document was reasonably necessary for the purposes of the appeal, the appellant may be allowed such sum in respect of the expenses incurred by him in securing such attendance or in obtaining such report, certificate or document as the Chairman or the President thinks reasonable, not exceeding the sum specified in the Second Schedule to these rules :

Provided that the Chairman may disallow any of the above expenses in any case where he considers the appeal to be frivolous.

40. *Expenses of Appeals to the Central Appeal Tribunal.*—(*a*) Where leaves to appeal to the Central Appeal Tribunal on a point of interpretation is given, under rule 35 or 36, whether to the appellant or to the Secretary, War Department, the appellant may at the discretion of the President be paid the cost of prosecuting or defending the appeal in the Central Appeal Tribunal and in addition :—

(i) if the leave is given by the Tribunal, the costs (if any) certified by the President to have been reasonably incurred by the appellant for the purpose of making or opposing an application for the leave of the Tribunal ;

(ii) if the leave is given by the Central Appeal Tribunal, the costs of making or opposing an application for the leave of the Central Appeal Tribunal and, where an application has been made to the Tribunal and has been refused, the costs (if any) certified by the President to have been reasonably incurred by the appellant for the purpose of making or opposing the application to the Tribunal.

(*b*) Where leave to appeal to the Central Appeal Tribunal on a point of interpretation is applied for by the Secretary, War

Department. and refused, the appellant may at the discretion of the President be paid—

(i) where the leave is refused by the Tribunal, the costs (if any) certified by the President to have been reasonably incurred by the appellant for the purpose of opposing the application; or

(ii) where the leave is refused by the Central Appeal Tribunal, the costs of opposing the application to the Central Appeal Tribunal and, where an application for leave has been made to the Tribunal and has been refused, the costs (if any) certified by the President to have been reasonably incurred by the appellant for the purpose of opposing the application to the Tribunal.

Provided however that notwithstanding anything contained in the foregoing sub-rules (*a*) and (*b*) of this rule the President may if he thinks fit disallow to the appellant;

(*a*) if his application for leave to appeal is refused either by the Central Appeal Tribunal or by the Tribunal (unless in the latter event leave to appeal is given by the Central Appeal Tribunal) the cost of making such application,

(*b*) if his apeal is disallowed by the Central Appeal Tribunal the costs of prosecuting the appeal before the Central Appeal Tribunal.

(*c*) An application for costs payable to an appellant under this rule shall be made in writing to the Pensions Appeal Office within one month after the termination of the proceedings in the Central Appeal Tribunal or, as the case may be, the refusal of leave to appeal, and for the purpose of ascertaining the sum due the appellant shall furnish to the Pensions Appeal Office such certificates or other documents as he may be directed to furnish.

(*d*) For the purposes of exercising his jurisdiction as to costs under sub-rules (*a*) and (*b*) of this rule, the President shall apply or adapt the rules of, and scales of costs not exceeding those of the local District Court, or in Presidency Towns, the Local Small Causes Courts.

41. *Other Expenses of the Tribunal.*—(*a*) Where under rule 22 the Tribunal take the openion of a medical specialist or other technical expert, or send the appellant to be examined by a medical specialist, the Tribunal may subject to the provisions of rule 39(b), direct the payment to the specialist or expert of a fee which shall not exceed Rupees thirty-two.

(*b*) Where a Tribunal summons an expert or other witness, it may, subject to the provisions of rule 39(b), direct payment to such witness of a fee not exceeding Rs. 32, as also his travelling and daily expenses in accordance with the rules applicable to witnesses of that category in civil suits framed by the High Court having jurisdiction in the place where the Tribunal is sitting.

(*c*) Where the Tribunal obtains from a medical practitioner, hospital or other institution, documentary information in relation to appeal, it may direct the payment of such sums not exceeding Rs. 4 in respect of each document or set of documents, as the Tribunal may think reasonable, provided that no such fee shall be payable in respect of documents obtained from a Government institution.

42. *Claims for Expenses.*—An application for any expenses payable to an appellant or other person under Rule 39 or Rule 41 shall be made in writing to Registrar.

43. *Provision for Interpreters.*—(*a*) It will be the duty of the Registrar to make arrangements for the interpretation of the Indian Languages at proceedings before Tribunals.

(*b*) An appellant who requires the services of such an interpreter shall, on the receipt by him of a notice of hearing, immediately send notice of his requirement to the Registrar.

(*c*) There will be paid to an interpreter attending the Tribunal in accordance with arrangements made under this rule as remuneration in respect of his services, fees and travelling expenses at the rates and subject to the conditions prescribed by the rules of the High Court having jurisdiction at the place of sitting of the Tribunal.

(*d*) A claim by an interpreter to fees or expenses payable under this rule shall be made in writing to the Registrar.

PART VI—APPLICATION AND SCOPE OF RULES.

44. *Application.*—(*a*) These rules will apply (i) to all personnel of the Royal Indian Navy, the Indian Army, and the Royal Indian Air Force (including enrolled and unenrolled noncombatants) and their respective reserves and all persons whose pensions are governed by Indian Naval, Army and Air Force Pension Regulations and by R I. N. Instructions, Army Instructions India and Air Force Instructions India, (ii) in the case of claims arising out of the death of such personnel to their eligible heirs or dependants; and (iii) to the legal representatives of any person who, having power to appeal under these rules, has died before giving notice of appeal.

(*b*) In accordance with an agreement entered into between His Majesty's Government in the United Kingdom and the Government of India, the Pensions Appeal Tribunals and the Central Appeal Tribunal constituted in terms of these rules will, with the approval in each case of the Secretary of State for India, have power to hear and decide any appeal brought by any person resident in India against a decision of the Secretary of State for India as if it were an appeal to a Pension Appeal Tribunal set up under the Pensions Appeal Tribunals Act, 1943, and on the grounds specified in that Act.

(*c*) *Appeal in United Kingdom.*—Where any person entitled to prefer an appeal under these rules elects to appeal in the United Kingdom in accordance with the terms of any agreement entered into in this behalf between His Majesty's Government in the United Kingdom and the Government of India, his power to appeal under these Rules shall be deemed to be extinguished.

45. *Application of rules to the past decisions and assessments.*—These rules will apply in cases where any such decision of the Government of India as is referred to in rule 1 or rule 2 of these rules has been made before the issue of these rules and in cases where any such decision or assessment as is referred to in rule 3 of these rules has been made before that rule comes into operation, and no further notification of any such decision or assessment as is referred to in any of the said rules will be necessary in any such case, but the Government of India will take such steps as they consider necessary to bring the power to appeal conferred by these rules to the notice of persons affected by any such decision or assessment.

PART VII.—INTERPRETATION, MISCELLANEOUS PROVISIONS.

46. *Definitions.*—(1) In these rules, the following expressions have the meanings hereby assigned to them.

(*a*) "Appeal" means an appeal which lies under rule 1, 2 or 3 of these rules.

(*b*) "Appellant" means the person by or on whose behalf the appeal is brought.

(*c*) "The Central Appeal Tribunal" means the Central Appeal Tribunal constituted under these rules.

(*d*) "The Chairman" and "The Registrar" means the Chairman and the Registrar for the time of the Pensions Appeal Tribunal by which an appeal is being or is to be considered.

(*e*) "Decision affecting eligibility" or "dependency" means a decision as to whether or not a person is an eligible heir or dependant as the case may be and which conveys no decision affecting entitlement or assessment of degree of disablement of the nature specified in Rules 1, 2 and 3.

(*f*) "Decision of the Government of India" will include a decision duly made and notified by any person duly authorised to make or notify the same.

(*g*) "Dependant" and "Eligible heir" mean a person who, by the Royal Warrant, Order in Council, Order of His Majesty, Rule, Regulation, Instruction or Scheme governing the grant of family or disability pension of a person within the categories specified in rule 44 (a) (i) and on or of whom such person claims to be dependant or an eligible heir as the case may be, is enabled to claim a pension as a dependant or eligible heir, as the case may be.

(*h*) "Field service area" means an area outside India, or an area within India which has been or may hereafter be declared by the Government of India to be an area where personnel of the R. I. N., the I. A. and the R. I. A. F covered by these rules will, for the purpose of disability and family pension and death gratuities, be treated as on field service.

(*i*) "Injury" in relation to any claim as is referred to in these rules, unless otherwise stated or implied, will include wound or disease.

(*j*) "Notice of Appeal" means notice of appeal given to the Secretary to the Government of India in the War Department, in manner prescribed by these rules.

(*k*) "Peace service area" means an area in India which is not a field service area.

(*l*) "Point of interpretation" means any question relating to the interpretation of these rules and of the terms of the Royal Warrant, Order in Council, Order of His Majesty, Regulation, Rule, Instruction or Scheme under which the claim, award or decision purports to be made, being terms relating to the issue before the Tribunal.

(*m*) "Pensions Appeal Office" means the Central Executive Office of the Pensions Appeal Tribunals.

(*n*) "President" means the person appointed by the Government of India to be President of the Pensions Appeal Tribunals.

(*o*) "Tribunal" means a Pension Appeal Tribunal.

(*p*) "The Secretary, War Department" includes an Additional, Joint, Deputy, Under or Assistant Secretary to the Government of India in the War Department.

(*q*) "War Service" in relation to any claim made under any Royal Warrant, Order in Council, Royal Indian Navy Instruction, Army Instruction (India), Royal Indian Air Force (Instruction), Rule or Scheme as is referred to in these Rules, as the same meaning as in that Royal Warrant, Order in Council, Instruction, Rule or Scheme.

(2) Reference in these rules to the rejection of a claim or the withholding of an award will be construed as including references to the cancellation of an award made on a claim.

47. *Notices.*—(*a*) Any notice given under these rules will be in writing and may be sent by registered post to the last known or usual place of abode of the claimant or such person authorised to act on his behalf in relation to the claim and, in the case of a notice of a decision from which an appeal lies to the Tribunal, will specify that fact and the time within which and the manner in which notice of such an appeal must be given.

(*b*) Any notice, document or other communication required or authorised by these rules to be given or sent to the Pensions Appeal Office shall be delivered to or sent by post addressed to to the Pensions Appeal Office.

(*c*) Any notice, request, direction, document or other communication required or authorised by these rules to be given or sent to an appellant may be given or sent by registered post to the address given by the appellant in his notice of appeal, or where notice of appeal is given on behalf of an appellant, to the address of the person acting on his behalf, or to such other address as may be subsequently notified in writing to the Pensions Appel Office by the appellant or by the person acting on his behalf.

(*d*) Any application to be made to the President under these rules may be made by post addressed to the President at the Pensions Appeal Office.

(*e*) Where under these rules any notice, certificate, request, direction, application or communication is to be given or made, it will be given or made in writing.

48. *Extension of time.*—Subject to rule 9, the time appointed by these rules for doing any act or taking any step in connection with an appeal may be extended by the Tribunal or by the President upon such terms (if any) as the justice of the case may require, and such extension may be ordered although the application thereof is not made until after the expiration of the time appointed.

49. *Power to transfer an appeal.*—The President may either on the application of any party and after such hearing as he may consider necessary, or on his own motion, transfer an appeal at any stage from one Tribunal to another.

50. *Reference to Rules.*—These rules may be referred to as the "PENSIONS APPEAL TRIBUNALS RULES, 1945".

FIRST SCHEDULE.

I

Form of Notice of Appeal.

I, [full name(s) of appellant].....of (address of appellant).. ..... hereby give notice that I appeal under the Pension Appeal Tribunals Rules against the decision of the Government of India notified to me by letter No. .....dated.....

Dated..... Signed.....

NOTE—This form when completed must be sent to the Secretary to the Government of India, War Department (Pensions Branch), Simla.

II.

Form of Notice of Appeal on behalf of Appellant.

I, [full name(s) of person acting on behalf of appellant] .....of (address of person so acting)..... .....acting on behalf of (full name of appellant) .....(address of appellant).....as, (qualification for acting)..... .....hereby .....give notice of appeal under the Pension Appeal Tribunals Rules against the decision of the Government of India notified to (specify person to whom decision was notified) by letter No. ....., dated the 'date)..... Dated..... Signed.....

NOTE.—(i) This form is only to be used where the appellant is under age of 16 years or is prevented by physical or mental infirmity from acting on his own behalf.

(ii) This from when completed must be sent to the Secretary to the Government of India, War Departmedt (Pensions Branch), Simla.

III.

Form of Notice of Hearing.

"(This Notice to be produced at the hearing).

Pension Appeal Tribunals for India.
Tribunal No. .....
To.....
....
.....

Notice of Hearing.

Sir/Madam,

Your Appeal will be considered by the Tribunal appointed by the Government of India at..... on..... the .....of.....and you are required to attend at.....O'clock.

2. If for any reason you are unable to attend on the date stated, you must immediately inform the Registrar to the Tribunal in writing at the address mentioned in paragraph I stating the reasons for your inability to appear.

Yours faithfully,
Registrar.

SECOND SCHEDULE.

1. The expenses allowed to the appellant for securing the attendance of a medical witness before the Tribunal shall not exceed the aggregate sum of—

(*a*) Rupees Thirty-two, and

(*b*) The amount of the expenses actually and reasonably incurred by the witness in travelling to and from the Tribunal.

2. The expenses allowed to the appellant for obtaining a report, certificate or other document shall not exceed Rupees Four in respect of each document or set of documents, provided that fees therefor shall not be, payable in respect of documents obtained *from Government institutions.*

C. M. TRIVEDI, *Secy.*

Dated 17th January 1946.

No. W. 1276—W. 28-45-8. The following notification Nos. 91-C. W. (7)—45, dated the 8th December 1945, and No. 91—C. W. (1)—45, dated the 15th December 1945, of the Government of India, Department of Commerce, are published for general information.

5272 V. VEDAVYASACHARYA, *Chief Secy.*

Government of India.

Department of Commerce.

COMMERCE—WAR.

New Delhi, dated 8th December 1945.

No. 91-C. W. (7)—45. In exercise of the powers conferred by sub-rule (3) of Rule 84 of the Defence of India Rules, the Central Government is pleased to cancel Commerce Department notifications—Commerce—War No. 91-CW. (10)—42, dated the 24th July 1943, 91-CW. (10)—42, dated the 8th August 1942 and 65-CW. (58)—40, dated 23th June 1940.

New Delhi, the 15th December 1945.

No. 91-C. W. (1)—45. In exercise of the powers conferred by sub rule (3) of Rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Department of Commerce No. 91-C. W. (1)—45, dated the 3rd November 1945, namely :—

In the schedule annexed to the said notification—

I. In part A, after entry (vii) of item 16, the following entry shall be inserted, namely :—

"(viia) Uranium ore"

II. In part B, the following shall be substituted for item 6, namely :—

"6. Provisions and Oilman Stores, all sorts but excluding :—

(*i*) Malt.

(*ii*) Sauces and condiments, and

(*iii*) Curry Powder."